

107TH CONGRESS
1ST SESSION

H. R. 3275

To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2001

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the “Terrorist Bombings Convention Implementation Act of 2001”.

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

“§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

“(A) with the intent to cause death or serious bodily injury, or

“(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).

1 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
2 attempts or conspires to commit an offense under
3 paragraph (1) shall be punished as prescribed in
4 subsection (c).

5 “(b) JURISDICTION.—There is jurisdiction over the
6 offenses in subsection (a) if—

7 “(1) the offense takes place in the United
8 States and—

9 “(A) the offense is committed against an-
10 other state or a government facility of such
11 state, including its embassy or other diplomatic
12 or consular premises of that state;

13 “(B) the offense is committed in an at-
14 tempt to compel another state or the United
15 States to do or abstain from doing any act;

16 “(C) at the time the offense is committed,
17 it is committed—

18 “(i) on board a vessel flying the flag
19 of another state;

20 “(ii) on board an aircraft which is
21 registered under the laws of another state;
22 or

23 “(iii) on board an aircraft which is op-
24 erated by the government of another state;

1 “(D) a perpetrator is found outside the
2 United States;

3 “(E) a perpetrator is a national of another
4 state or a stateless person; or

5 “(F) a victim is a national of another state
6 or a stateless person;

7 “(2) the offense takes place outside the United
8 States and—

9 “(A) a perpetrator is a national of the
10 United States or is a stateless person whose ha-
11 bitual residence is in the United States;

12 “(B) a victim is a national of the United
13 States;

14 “(C) a perpetrator is found in the United
15 States;

16 “(D) the offense is committed in an at-
17 tempt to compel the United States to do or ab-
18 stain from doing any act;

19 “(E) the offense is committed against a
20 state or government facility of the United
21 States, including an embassy or other diplo-
22 matic or consular premises of the United
23 States;

24 “(F) the offense is committed on board a
25 vessel flying the flag of the United States or an

1 aircraft which is registered under the laws of
2 the United States at the time the offense is
3 committed; or

4 “(G) the offense is committed on board an
5 aircraft which is operated by the United States.

6 “(c) PENALTIES.—Whoever violates this section shall
7 be imprisoned for any term of years or for life, and if
8 death results from the violation, shall be punished by
9 death or imprisoned for any term of years or for life.

10 “(d) EXEMPTIONS TO JURISDICTION.—This section
11 does not apply to—

12 “(1) the activities of armed forces during an
13 armed conflict, as those terms are understood under
14 the law of war, which are governed by that law,

15 “(2) activities undertaken by military forces of
16 a state in the exercise of their official duties; or

17 “(3) offenses committed within the United
18 States, where the alleged offender and the victims
19 are United States citizens and the alleged offender
20 is found in the United States, or where jurisdiction
21 is predicated solely on the nationality of the victims
22 or the alleged offender and the offense has no sub-
23 stantial effect on interstate or foreign commerce.

24 “(e) DEFINITIONS.—As used in this section, the
25 term—

1 “(1) ‘serious bodily injury’ has the meaning
2 given that term in section 1365(g)(3) of this title;

3 “(2) ‘national of the United States’ has the
4 meaning given that term in section 101(a)(22) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(22));

7 “(3) ‘state or government facility’ includes any
8 permanent or temporary facility or conveyance that
9 is used or occupied by representatives of a state,
10 members of Government, the legislature or the judi-
11 ciary or by officials or employees of a state or any
12 other public authority or entity or by employees or
13 officials of an intergovernmental organization in con-
14 nection with their official duties;

15 “(4) ‘intergovernmental organization’ includes
16 international organization (as defined in section
17 1116(b)(5) of this title);

18 “(5) ‘infrastructure facility’ means any publicly
19 or privately owned facility providing or distributing
20 services for the benefit of the public, such as water,
21 sewage, energy, fuel, or communications;

22 “(6) ‘place of public use’ means those parts of
23 any building, land, street, waterway, or other loca-
24 tion that are accessible or open to members of the
25 public, whether continuously, periodically, or occa-

1 sionally, and encompasses any commercial, business,
2 cultural, historical, educational, religious, govern-
3 mental, entertainment, recreational, or similar place
4 that is so accessible or open to the public;

5 “(7) ‘public transportation system’ means all
6 facilities, conveyances, and instrumentalities, wheth-
7 er publicly or privately owned, that are used in or
8 for publicly available services for the transportation
9 of persons or cargo;

10 “(8) ‘explosive’ has the meaning given in sec-
11 tion 844(j) of this title insofar that it is designed,
12 or has the capability, to cause death, serious bodily
13 injury, or substantial material damage;

14 “(9) ‘other legal device’ means any weapon or
15 device that is designed or has the capability to cause
16 death, serious bodily injury, or substantial damage
17 to property through the release, dissemination, or
18 impact of toxic chemicals, biological agents, or toxins
19 (as those terms are defined in section 178 of this
20 title) or radiation or radioactive material;

21 “(10) ‘military forces of a state’ means the
22 armed forces of a state which are organized, trained,
23 and equipped under its internal law for the primary
24 purpose of national defense or security, and persons
25 acting in support of those armed forces who are

1 under their formal command, control, and responsi-
 2 bility;

3 “(11) ‘armed conflict’ does not include internal
 4 disturbances and tensions, such as riots, isolated,
 5 and sporadic acts of violence, and other acts of a
 6 similar nature; and

7 “(12) ‘state’ has the same meaning as that
 8 term has under international law, and includes all
 9 political subdivisions thereof.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of chapter 113B of title 18, United
 12 States Code, is amended by adding at the end thereof the
 13 following:

“2332f. Bombings of places of public use, government facilities, public transpor-
 tation systems and infrastructure facilities.”.

14 (c) DISCLAIMER.—Nothing contained in this section
 15 is intended to affect the applicability of any other Federal
 16 or State law which might pertain to the underlying con-
 17 duct.

18 **SEC. 103. ANCILLARY MEASURES.**

19 (a) WIRETAP PREDICATE.—Section 2516(1)(c) of
 20 title 18, United States Code, is amended by inserting “sec-
 21 tion 2332f (relating to bombing of public places and facili-
 22 ties),” before “section 1992 (relating to wrecking trains)”.

23 (b) STATUTE OF LIMITATIONS EXTENSION.—Section
 24 3286 of title 18, United States Code, is amended by in-

1 serting “section 2332f (bombing of public places and fa-
2 cilities),” before “or section 2340A (torture)”.

3 (c) MONEY LAUNDERING PREDICATE.—Section
4 1956(c)(7)(D) of title 18, United States Code, is amended
5 by inserting “section 2332f (relating to bombing of public
6 places and facilities),” after “section 2332b (relating to
7 international terrorist acts transcending national bound-
8 aries),”.

9 (d) PROVIDING MATERIAL SUPPORT TO TERRORISTS
10 PREDICATE.—Section 2339A of title 18, United States
11 Code, is amended by inserting “2332f,” before “or
12 2340A”.

13 (e) RICO PREDICATE.—Section 1961(1)(B) of title
14 18, United States Code, is amended by inserting “section
15 2332f (relating to bombing of public places and facili-
16 ties),” before “sections 2341–2346 (relating to trafficking
17 in contraband cigarettes)”.

18 (f) FEDERAL CRIME OF TERRORISM.—Section
19 2332b(g)(5)(B) of title 18, United States Code, is amend-
20 ed by—

21 (1) inserting “229 (relating to prohibited activi-
22 ties involving chemical weapons)” after “175 (relat-
23 ing to biological weapons),”;

24 (2) striking “2332c,”; and

1 (3) inserting “2332f (relating to bombing of
 2 public places and facilities),” after “2332b (relating
 3 to acts or terrorism transcending national bound-
 4 aries),”.

5 **SEC. 104. EFFECTIVE DATE.**

6 Sections 102 and 103 of this title shall become effec-
 7 tive on the date that the International Convention for the
 8 Suppression of Terrorist Bombings enters into force for
 9 the United States.

10 **TITLE II—SUPPRESSION OF THE**
 11 **FINANCING OF TERRORISM**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “Suppression of the
 14 Financing of Terrorism Convention Implementation Act
 15 of 2001”.

16 **SEC. 202. TERRORISM FINANCING STATUTE.**

17 (a) IN GENERAL.—Chapter 113B of title 18, United
 18 States Code, relating to terrorism, is amended by adding
 19 at the end thereof the following new section:

20 **“§ 2339c. Prohibitions against the financing of ter-**
 21 **rorism**

22 **“(a) OFFENSES.—**

23 **“(1) IN GENERAL.—**Whoever, in a circumstance
 24 described in subsection (c), by any means, directly or
 25 indirectly, unlawfully and willfully provides or col-

1 lects funds with the intention that such funds be
2 used, or with the knowledge that such funds are to
3 be used, in full or in part, in order to carry out—

4 “(A) an act which constitutes an offense
5 within the scope of a treaty specified in sub-
6 section (e)(7), as implemented by the United
7 States, or

8 “(B) any other act intended to cause death
9 or serious bodily injury to a civilian, or to any
10 other person not taking an active part in the
11 hostilities in a situation of armed conflict, when
12 the purpose of such act, by its nature or con-
13 text, is to intimidate a population, or to compel
14 a government or an international organization
15 to do or to abstain from doing any act,

16 shall be punished as prescribed in subsection (d)(1).

17 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
18 attempts or conspires to commit an offense under
19 paragraph (1) shall be punished as prescribed in
20 subsection (d)(1).

21 “(3) RELATIONSHIP TO PREDICATE ACT.—For
22 an act to constitute an offense set forth in this sub-
23 section, it shall not be necessary that the funds were
24 actually used to carry out a predicate act.

25 “(b) CONCEALMENT.—

1 “(1) IN GENERAL.—Whoever, in the United
2 States, or outside the United States and a national
3 of the United States or a legal entity organized
4 under the laws of the United States (including any
5 of its States, districts, commonwealths, territories,
6 or possessions), knowingly conceals or disguises the
7 nature, the location, the source, or the ownership or
8 control of any material support or resources pro-
9 vided in violation of section 2339B of this chapter,
10 or of any funds provided or collected in violation of
11 subsection (a) or any proceeds of such funds, shall
12 be punished as prescribed in subsection (d)(2).

13 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
14 attempts or conspires to commit an offense under
15 paragraph (1) shall be punished as prescribed in
16 subsection (d)(2).

17 “(c) JURISDICTION.—There is jurisdiction over the
18 offenses in subsection (a) in the following circumstances—

19 “(1) the offense takes place in the United
20 States and—

21 “(A) a perpetrator was a national of an-
22 other state or a stateless person;

23 “(B) on board a vessel flying the flag of
24 another state or an aircraft which is registered

1 under the laws of another state at the time the
2 offense is committed;

3 “(C) on board an aircraft which is oper-
4 ated by the government of another state;

5 “(D) a perpetrator is found outside the
6 United States;

7 “(E) was directed toward or resulted in
8 the carrying out of a predicate act against—

9 “(i) a national of another state; or

10 “(ii) another state or a government
11 facility of such state, including its embassy
12 or other diplomatic or consular premises of
13 that state;

14 “(F) was directed toward or resulted in the
15 carrying out of a predicate act committed in an
16 attempt to compel another state or inter-
17 national organization to do or abstain from
18 doing any act; or

19 “(G) was directed toward or resulted in
20 the carrying out of a predicate act—

21 “(i) outside the United States; or

22 “(ii) within the United States, and ei-
23 ther the offense or the predicate act was
24 conducted in, or the results thereof af-
25 fected, interstate or foreign commerce;

1 “(2) the offense takes place outside the United
2 States and—

3 “(A) a perpetrator is a national of the
4 United States or is a stateless person whose ha-
5 bitual residence is in the United States;

6 “(B) a perpetrator is found in the United
7 States; or

8 “(C) was directed toward or resulted in the
9 carrying out of a predicate act against—

10 “(i) any property that is owned,
11 leased, or used by the United States or by
12 any department or agency of the United
13 States, including an embassy or other dip-
14 lomatic or consular premises of the United
15 States;

16 “(ii) any person or property within
17 the United States;

18 “(iii) any national of the United
19 States or the property of such national; or

20 “(iv) any property of any legal entity
21 organized under the laws of the United
22 States, including any of its States, dis-
23 tricts, commonwealths, territories, or pos-
24 sessions;

1 “(3) the offense is committed on board a vessel
2 flying the flag of the United States or an aircraft
3 which is registered under the laws of the United
4 States at the time the offense is committed;

5 “(4) the offense is committed on board an air-
6 craft which is operated by the United States; or

7 “(5) the offense was directed toward or resulted
8 in the carrying out of a predicate act committed in
9 an attempt to compel the United States to do or ab-
10 stain from doing any act.

11 “(d) PENALTIES.—

12 “(1) Whoever violates subsection (a) shall be
13 fined under this title, imprisoned for not more than
14 20 years, or both.

15 “(2) Whoever violates subsection (b) shall be
16 fined under this title, imprisoned for not more than
17 10 years, or both.

18 “(e) DEFINITIONS.—As used in this section—

19 “(1) the term ‘funds’ means assets of every
20 kind, whether tangible or intangible, movable or im-
21 movable, however acquired, and legal documents or
22 instruments in any form, including electronic or dig-
23 ital, evidencing title to, or interest in, such assets,
24 including coin, currency, bank credits, travelers

1 checks, bank checks, money orders, shares, securi-
2 ties, bonds, drafts, and letters of credit;

3 “(2) the term ‘government facility’ means any
4 permanent or temporary facility or conveyance that
5 is used or occupied by representatives of a state,
6 members of a government, the legislature, or the ju-
7 diciary, or by officials or employees of a state or any
8 other public authority or entity or by employees or
9 officials of an intergovernmental organization in con-
10 nection with their official duties;

11 “(3) the term ‘proceeds’ means any funds de-
12 rived from or obtained, directly or indirectly,
13 through the commission of an offense set forth in
14 subsection (a);

15 “(4) the term ‘provides’ includes giving, donat-
16 ing, and transmitting;

17 “(5) the term ‘collects’ includes raising and re-
18 ceiving;

19 “(6) the term ‘predicate act’ means any act re-
20 ferred to in subparagraph (A) or (B) of subsection
21 (a)(1);

22 “(7) the term ‘treaty’ means—

23 “(A) the Convention for the Suppression of
24 Unlawful Seizure of Aircraft, done at The
25 Hague on December 16, 1970;

1 “(B) the Convention for the Suppression of
2 Unlawful Acts against the Safety of Civil Avia-
3 tion, done at Montreal on September 23, 1971;

4 “(C) the Convention on the Prevention and
5 Punishment of Crimes against Internationally
6 Protected Persons, including Diplomatic
7 Agents, adopted by the General Assembly of the
8 United Nations on December 14, 1973;

9 “(D) the International Convention against
10 the Taking of Hostages, adopted by the General
11 Assembly of the United Nations on December
12 17, 1979;

13 “(E) the Convention on the Physical Pro-
14 tection of Nuclear Material, adopted at Vienna
15 on March 3, 1980;

16 “(F) the Protocol for the Suppression of
17 Unlawful Acts of Violence at Airports Serving
18 International Civil Aviation, supplementary to
19 the Convention for the Suppression of Unlawful
20 Acts against the Safety of Civil Aviation, done
21 at Montreal on February 24, 1988;

22 “(G) the Convention for the Suppression of
23 Unlawful Acts against the Safety of Maritime
24 Navigation, done at Rome on March 10, 1988;

1 “(H) the Protocol for the Suppression of
2 Unlawful Acts against the Safety of Fixed Plat-
3 forms located on the Continental Shelf, done at
4 Rome on March 10, 1988; or

5 “(I) the International Convention for the
6 Suppression of Terrorist Bombings, adopted by
7 the General Assembly of the United Nations on
8 December 15, 1997;

9 “(8) the term ‘intergovernmental organization’
10 includes international organizations;

11 “(9) the term ‘international organization’ has
12 the same meaning as in section 1116(b)(5) of this
13 title;

14 “(10) the term ‘armed conflict’ does not include
15 internal disturbances and tensions, such as riots,
16 isolated and sporadic acts of violence, and other acts
17 of a similar nature;

18 “(11) the term ‘serious bodily injury’ has the
19 same meaning as in section 1365(g)(3) of this title;

20 “(12) the term ‘national of the United States’
21 has the meaning given that term in section
22 101(a)(22) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(22)); and

1 “(13) the term ‘state’ has the same meaning as
2 that term has under international law, and includes
3 all political subdivisions thereof.

4 “(f) CIVIL PENALTY.—In addition to any other crimi-
5 nal, civil, or administrative liability or penalty, any legal
6 entity located within the United States or organized under
7 the laws of the United States, including any of the laws
8 of its States, districts, commonwealths, territories, or pos-
9 sessions, shall be liable to the United States for the sum
10 of at least \$10,000, if a person responsible for the man-
11 agement or control of that legal entity has, in that capac-
12 ity, committed an offense set forth in subsection (a).”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 113B of title 18, United
15 States Code, is amended by adding at the end thereof the
16 following:

 “2339C. Prohibitions against the financing of terrorism.”.

17 (c) DISCLAIMER.—Nothing contained in this section
18 is intended to affect the scope or applicability of any other
19 Federal or State law.

20 **SEC. 203. ANCILLARY MEASURES.**

21 (a) WIRETAP PREDICATE.—Section 2516(1)(c) of
22 title 18, United States Code, is amended by inserting “sec-
23 tion 2339A (relating to providing material support to ter-
24 rorists), section 2339B (relating to providing material
25 support or resources to designated foreign terrorist orga-

1 nizations), section 2339C (relating to financing of ter-
 2 rorism),” before “section 1992 (relating to wrecking
 3 trains)”.

4 (b) STATUTE OF LIMITATIONS EXTENSION.—Section
 5 3286 of title 18, United States Code, is amended by in-
 6 serting “section 2339A (relating to providing material
 7 support to terrorists), section 2339B (relating to pro-
 8 viding material support or resources to designated foreign
 9 terrorist organizations), section 2339C (relating to financ-
 10 ing of terrorism),” before “or section 2340A (torture)”.

11 (c) MONEY LAUNDERING PREDICATE.—Section
 12 1956(c)(7)(D) of title 18, United States Code, is amended
 13 by striking “or section 2339A (relating to providing mate-
 14 rial support to terrorists)” and inserting “section 2339A
 15 (relating to providing material support to terrorists), sec-
 16 tion 2339B (relating to providing material support or re-
 17 sources to designated foreign terrorist organizations), sec-
 18 tion 2339C (relating to financing of terrorism)”.

19 (d) RICO PREDICATE.—Section 1961(1)(B) of title
 20 18, United States Code, is amended by inserting “section
 21 2339A (relating to providing material support to terror-
 22 ists), section 2339B (relating to providing material sup-
 23 port or resources to designated foreign terrorist organiza-
 24 tions), section 2339C (relating to financing of terrorism),”

1 before “sections 2341–2346 (relating to trafficking in con-
2 traband cigarettes)”.

3 (e) FEDERAL CRIME OF TERRORISM.—Section
4 2332b(g)(5)(B) of title 18, United States Code, is amend-
5 ed by inserting “2339C (relating to financing of ter-
6 rorism),” before “or 2340A (relating to torture)”.

7 (f) FORFEITURE OF FUNDS, PROCEEDS, AND IN-
8 STRUMENTALITIES.—Section 981(a)(1) of title 18, United
9 States Code, is amended by adding at the end thereof the
10 following new subparagraph:

11 “(G) Any property, real or personal, in-
12 volved in a violation or attempted violation, or
13 which constitutes or is derived from proceeds
14 traceable to a violation, of section 2339C of this
15 title.”.

16 **SEC. 204. EFFECTIVE DATE.**

17 Except for sections 2339C(c)(1)(D) and (2)(B) of
18 title 18, United States Code, which shall become effective
19 on the date that the International Convention for the Sup-
20 pression of the Financing of Terrorism enters into force
21 for the United States, and for the provisions of section
22 2339C(e)(7)(I) of title 18, United States Code, which shall
23 become effective on the date that the International Con-
24 vention for the Suppression of Terrorist Bombing enters

- 1 into force for the United States, sections 202 and 203 of
- 2 this title shall be effective upon enactment.

